

**WATER PERMIT NO. 6589-3**

Name of Applicant: Glendale Colony

Address: 17866 Glendale Dr, Frankfort SD

Phone: 605 472-0772

Amount of Water Claimed: 1.78 cfs

Total Acres: 320

Source of Water Supply: James River

Water to be used for: irrigation

County: Spink

Type of Waste Disposal System:

Location: 5 miles south of Frankfort

PRIORITY

Date Received: 2-4-05

Application/License Fee: \$375

Corrected Application Received:

Period of Annual Use: April 1 – October 31

Remarks: All for a full section pivot. Includes W ½ Sec 3 authorized by Water Right No. 1733-3

Diversion Point: W ½ NE ¼ Sec 4-T115N-R62W

Land to be Irrigated: E ½ Sec 3-T115N-R62W

Depth of Well: NA

Well Driller:

Remarks:

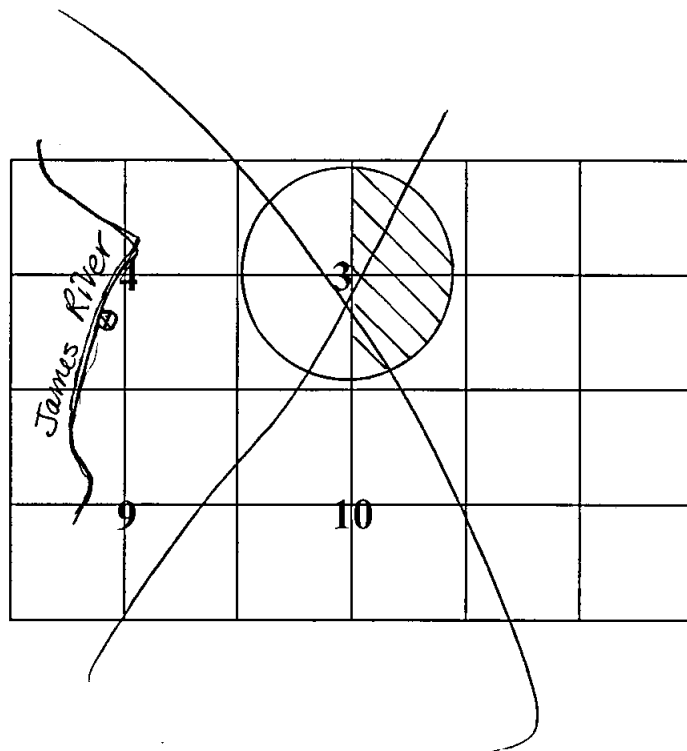
Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 2-7-05

By: Karen Schlaak

Notice of Hearing - date to intervene: \_\_\_\_\_



FORM 2: Application for irrigation in South Dakota  
(type or print)

Mail to:  
Water Rights Program  
Joe Foss Building  
523 E. Capitol  
Pierre, SD 57501-3181  
(605) 773-3352

(office use only)  
No. 6589-3 Hydrologic Unit 10160006  
Basin James River  
Newspaper Redfield Press

RECEIVED  
FEB - 4 2005  
WATER RIGHTS  
PROGRAM

## Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. \_\_\_\_\_  
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

additional diversion rate and acres to Water Right No. 1733-3

1. Name of Applicant Glendale Colony Phone 472-0772  
(check one) ☐ Owner ☐ Tenant/lessee  
Mailing Address 17866 Glendale Drive Frankfort State SD 57440  
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 4.58 \*CFS or 800 \*\*GPM \*\*\*AF Total Acreage 320  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply James River

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Spink  
W 1/2 or NE 1/4 Section 4, T115N, R62W NE 1/4 SW 1/4 and SW 1/4 NE 1/4 (1734-3)  
Section 9 NW 1/4 SW 1/4 Sec 33 - T116N-R62W (1735-3)

5. County or counties where water will be used Spink

6. Annual period during which water is to be used April 1 - October 31

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.  
(Attach sheet if more space is needed)

| Land Description              | Acres | Land Description | Acres |
|-------------------------------|-------|------------------|-------|
| NE 1/4 Section 3, T115N, R62W | 160   |                  |       |
| SE 1/4 Section 3, T115N, R62W | 160   |                  |       |
| S 1/2 Sec 33 - T116N-R62W     | 160   |                  |       |
| NW 1/4 Sec 15 - T115N-R62W    | 160   |                  |       |

8. Give a description of the project. (Attach sheet if more space is needed)

Install a large pivot to allow full rotation within Section 3, T115N, R62W. The west half of Section 3 is currently authorized by Water Right No. 1733-3. Will utilize the same pump station authorized by Water Right No. 1733-3. Pump station may move within the W 1/2 or NE 1/4 of Section 3, T115N, R62W

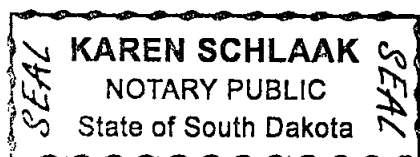
STATE OF SOUTH DAKOTA) SS  
County of Hughes

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Jerry Kleinsasser, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Jerry Kleinsasser

Subscribed and sworn to before me this 4<sup>th</sup> day of February 20 05



Karen Schlaak  
Notary Public signature

My Commission Expires  
April 1, 2007

**SOUTH DAKOTA  
WATER PERMIT NO. 6589-3 FOR IRRIGATION**

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**Water Permit No. 6589-3 was split into 6589A-3 and 6589B-3 at the time of approval.**

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 7, 20 05

RECEIVED OF Glendale Hutterian Brethren, 17866 Glendale Dr., Frankfort SD 57440

The following amount in fees for services rendered as provided for by law:

|                                                                                                                        |       |        |
|------------------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. <u>6589-3</u> to Appropriate Water, to construct and to put water to beneficial use | 325   | 00     |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                           |       |        |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                 |       |        |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6589-3</u>            | 50    | 00     |
| Fee for Filing Transfer Form _____                                                                                     |       |        |
| Fee for _____                                                                                                          |       |        |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                                    |       |        |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                                     |       |        |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                                 |       |        |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                              |       |        |
| (Any Other Work Provided by Law)                                                                                       | TOTAL | 375.00 |

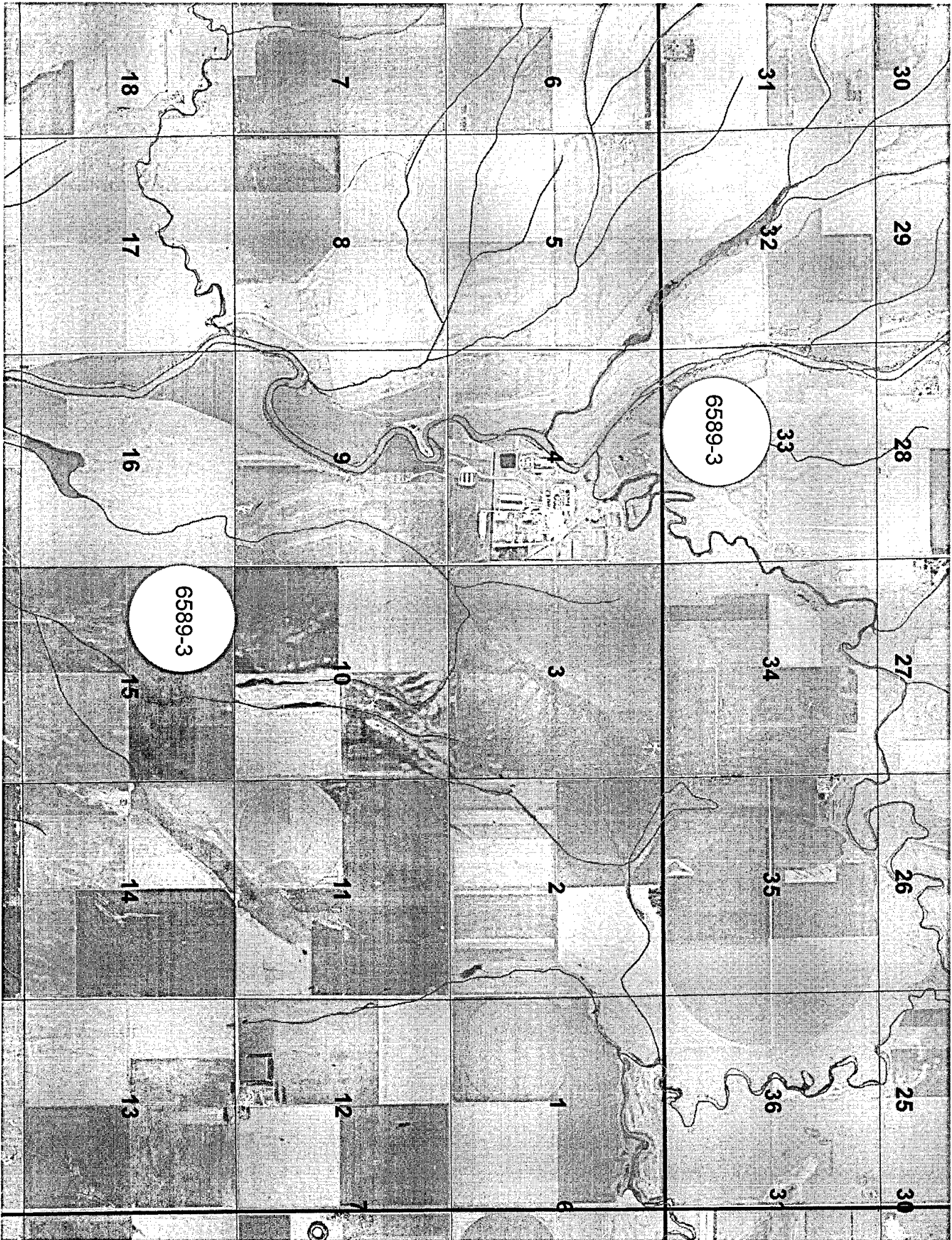
No. 000000

By

Darland Erbe

Chief Engineer

gm



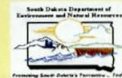
Glendale Colony  
17866 Glendale Drive  
Frankfort, SD 57440

6589-3

T115N R62W

Diversion  
Point

3



*Donald E. Stroup*

Donald E. Stroup  
Natural Resources Project Engineer  
DNR Water Rights Program

Water Rights Program - DENR  
Conversation File Documentation

Glendale Colony  
Jerry Kleinsasser  
17866 Glendale Dr.  
Frankfort, SD 57440  
Spink County  
(605) 472-0772

March 22, 2005

RE: Modifications to Water Permit Application Nos. 6587-3, 6588-3, 6589-3, and 6590-3.

On March 22, 2005, Eric Gronlund, Don Stroup, and Mike DeFea, met with Jerry Kleinsasser at the Glendale Colony in Spink County regarding Water Permit Applications Nos. 6587-3, 6588-3, 6589-3, and 6590-3. The reason for the meeting was to modify the applications in order to allow for more efficient irrigation of the land, and to provide consistency with priority dates in the event shut-off orders were given by the Chief Engineer by priority date. Adjustments were made to the applications so that parcels of land to be irrigated under the same pivot system would have priority dates similar to each other. These applications are being amended as requested by Jerry Kleinsasser of Glendale Colony as their representative. The following is a list of the modifications to the applications for Glendale Colony.

*Application No. 6587-3*, Glendale Colony proposes to transfer diversion authority for 126 acres with no diversion rate covered by Water Right No. 1943-3 and 136 acres and 1.91 cfs covered by Water Right No. 1734-3.

Water Right No. 1943-3, with a priority date of May 30, 1972, authorizes 2.00 cfs from the James River in the NE 1/4 SE 1/4 Section 29 to irrigate 258 acres in the S 1/2 of Section 29 all in T116N-R62W. The applicant proposes to sever diversion authority of 126 acres and relocate them in the NE 1/4 of Section 3 T115N-R62W. The remaining 132 acres of irrigation authorized by No 1943-3 will remain in the S 1/2 of Section 29 T116N-R62W, and the 2.00 cfs of diversion rate will remain with these acres.

Water Right No. 1734-3, with a priority date of November 4, 1968, authorizes 5.66 cfs from the James River between the points in the NE 1/4 SW 1/4 and the SW 1/4 NE 1/4 of Section 9 to irrigate 404 acres in the W 1/2 of Section 10 and the NW 1/4 of Section 15; all in T115N-R62W. The applicant proposes to sever diversion authority of 136 acres and relocate them to the E 1/2 of Section 3. The associated diversion rate of 1.91 cfs will be moved and taken at a diversion point authorized by Water Right No. 1733-3 located in between the NE 1/4 NW 1/4 and the SE 1/4 SW 1/4 of Section 4; all in T115N-R62W. The remaining 268 acres of irrigation located in Section 10 covered by No. 1734-3 will retain 3.75 cfs of the diversion rate.

The relocation of the 262 acres to the E 1/2 of Section 3 combined with 268 acres located in the W 1/2 of Section 3 authorized by No. 1733-3, priority of October 12, 1967, will allow for a total of 530 acres with a combined diversion rate of 5.68 cfs. The applicant is proposing to utilize a

full section pivot with all the acres maintaining the 1967, 1968, and 1972 priority dates. The annual period of use requested is from April 1 through October 1. The proposed project is in Spink County approximately 4 miles south of Frankfort, SD.

*Water Permit Application No. 6588-3*, Glendale Colony, proposes to irrigate an additional 130 acres located in the SE1/4 Sec. 8 T115N-R62W adjacent to irrigation authorized by Water Right No. 1450-3. Presently Water Right No. 1450-3 appropriates 4.44 cfs from the James River to irrigate 467 acres located in the W1/2 and NE1/4 Sec. 8; all in T115N-R62W. This application proposes to use the same James River diversion point located in the SE1/4 SE1/4 Sec. 8-T115N-R62W. The annual period of use requested is from April 1 through October 1. The proposed project is in Spink County approximately 6.5 miles south of Frankfort, SD. No increase in the diversion rate is requested by this application. There is no modification to this application based on our meeting.

*Water Permit Application No. 6589-3*, Glendale Colony, proposes to appropriate 4.58 cubic feet per second (cfs) of water from the James River to irrigate 320 acres.

The applicant proposes to irrigate 160 acres located in the S1/2 Sec. 33-T116N-R62W utilizing the diversion point authorized by Water Right No. 1735-3 located in the NW 1/4 SW1/4 Sec.33-T116N-R62W. The associated diversion rate increase at this diversion point is 2.29 cfs.

This application also proposes to irrigate 160 acres located in the NW 1/4 of Sec. 15-T115N-R62W utilizing the diversion point for Water Right No. 1734-3 located between points in the NE 1/4 SW 1/4 and SW1/4 NE1/4 Sec. 9-T115N-R62W. The associated diversion rate increase at this diversion point is 2.29 cfs. The annual period of use requested is from April 1 through October 1. The proposed project is in Spink County approximately 5 miles south of Frankfort, SD.

*Water Permit Application No. 6590-3*, Glendale Colony, proposes to appropriate an additional 1.56 cfs of water from the James River to irrigate 320 acres located in the E1/2 Sec. 9-T115N-R62W. Water Right No. 1734-3 currently appropriates 5.66 cfs from the James River to irrigate 404 acres in the W1/2 Sec. 10 and NW1/4 Sec.15; all in T115N-R62W. This application proposes to utilize the same James River diversion point located in the SW1/4 NE1/4 Sec. 9-T115N-R62W. The annual period of use requested is from April 1 through October 1. The proposed project is in Spink County approximately 7 miles south of Frankfort, SD. There is no modification to this application based on our meeting.

Mike DeFea  
Natural Resources Engineer  
DENR Water Rights Program

## REPORT ON WATER PERMIT APPLICATION 6589-3

Glendale Colony  
17866 Glendale Dr.  
Frankfort, SD 57440  
May 9, 2005

Water Permit Application No. 6589-3, Glendale Colony, proposes to appropriate 4.58 cubic feet per second (cfs) of water from the James River to irrigate 320 acres.

The applicant proposes to irrigate 160 acres located in the S1/2 Sec. 33-T116N-R62W utilizing the diversion point authorized by Water Right No. 1735-3 located in the NW 1/4 SW1/4 Sec.33-T116N-R62W. The associated diversion rate increase at this diversion point is 2.29 cfs.

This application also proposes to irrigate 160 acres located in the NW 1/4 of Sec. 15-T115N-R62W utilizing the diversion point for Water Right No. 1734-3 located between points in the NE 1/4 SW 1/4 and SW1/4 NE1/4 Sec. 9-T115N-R62W. The associated diversion rate increase at this diversion point is 2.29 cfs. The annual period of use requested is from April 1 through October 1. The proposed project is in Spink County approximately 5 miles south of Frankfort, SD.

### Review of the Water Source

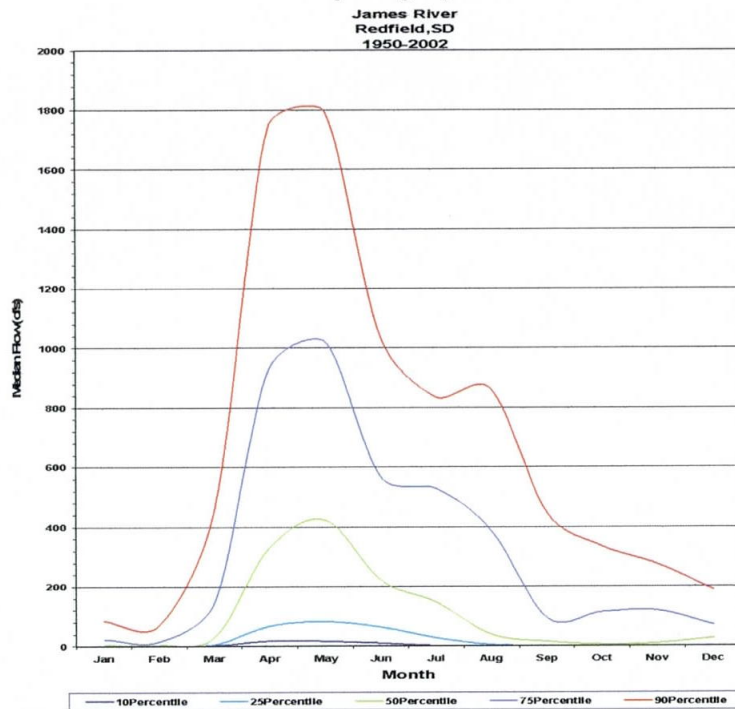
The water source for the proposed project is the James River in Spink County. Originating in North Dakota, the James River flows southward to the Missouri River near Yankton, SD. Approximately 475 miles of the James River are in South Dakota. During extended periods of low precipitation the James River experiences extremely low flows and cannot be considered a reliable source of water.

The U.S. Geological Survey (USGS) operates a stream flow gaging station on the James River near Redfield, SD. The historical data from 1950 through 2002 for the stream flow gage located approximately 12 miles upstream from the proposed project indicate that there is a 50-percent probability monthly median flow could range from 5 to 422-cfs or greater during the April through October interval of any given year. There is a 75-percent probability monthly median flows at this same location could range from 0 to 81-cfs or greater for the same period. (Table 1 and Hydrograph 1)

**Table 1. James River Monthly Median Flow (cfs) Redfield, SD**

| Plot Data     | Jan | Feb | Mar | Apr  | May  | Jun  | Jul | Aug | Sep | Oct | Nov | Dec |
|---------------|-----|-----|-----|------|------|------|-----|-----|-----|-----|-----|-----|
| 10 Percentile | 0   | 0   | 1   | 17   | 15   | 9    | 0   | 0   | 0   | 0   | 0   | 0   |
| 25 Percentile | 0   | 0   | 5   | 67   | 81   | 63   | 26  | 4   | 0   | 0   | 0   | 0   |
| 50 Percentile | 4   | 3   | 30  | 332  | 422  | 221  | 146 | 38  | 15  | 5   | 9   | 26  |
| 75 Percentile | 22  | 14  | 145 | 933  | 1020 | 566  | 527 | 386 | 93  | 112 | 118 | 70  |
| 90 Percentile | 83  | 70  | 456 | 1747 | 1796 | 1035 | 835 | 861 | 447 | 334 | 274 | 189 |

## Hydrograph 1

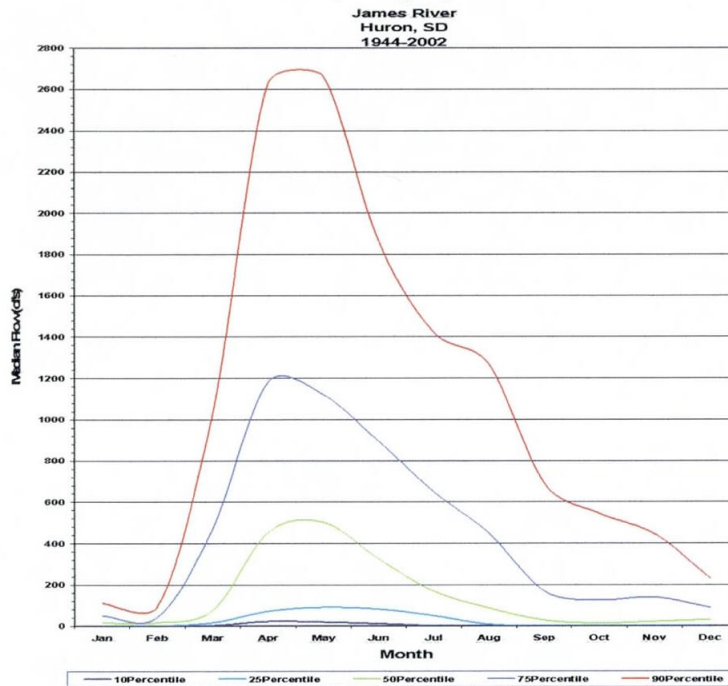


The USGS also operates a stream flow gaging station approximately 30 miles downstream from the proposed project near Huron, SD. The historical data from 1944 to 2002 for the Huron, SD stream flow gage indicate there is a 50-percent probability monthly median flows could range from 13 to 502-cfs for any given April through October annual period. There is a 75-percent probability monthly median flows could be 0 to 89-cfs or greater during the same period. (Table 2 and Hydrograph 2)

**Table. 2 James River Monthly Median Flow (cfs) Huron, SD**

| Plot Data            | Jan | Feb | Mar  | Apr  | May  | Jun  | Jul  | Aug  | Sep | Oct | Nov | Dec |
|----------------------|-----|-----|------|------|------|------|------|------|-----|-----|-----|-----|
| <b>10 Percentile</b> | 0   | 0   | 2    | 21   | 18   | 10   | 0    | 0    | 0   | 0   | 0   | 0   |
| <b>25 Percentile</b> | 0   | 0   | 15   | 70   | 89   | 80   | 48   | 6    | 0   | 0   | 0   | 0   |
| <b>50 Percentile</b> | 16  | 16  | 78   | 455  | 502  | 325  | 168  | 85   | 27  | 13  | 21  | 29  |
| <b>75 Percentile</b> | 47  | 42  | 474  | 1183 | 1120 | 893  | 648  | 447  | 167 | 123 | 137 | 87  |
| <b>90 Percentile</b> | 109 | 94  | 1039 | 2627 | 2664 | 1866 | 1421 | 1266 | 688 | 543 | 445 | 231 |

## Hydrograph 2



USGS historical data for the Redfield and Huron, SD stream flow gages indicate non-appropriated water is available in the James River during normal to wetter climatic conditions for the April through July annual period. During late summer and early fall months, the James River cannot be considered a reliable source of water.

As noted at the July 1980 Water Rights Commission Meeting, Findings of Fact, Conclusion of Law, and Final Decision, the presumption can be made that the stream flow rates recorded at the gaging stations cited above are post withdrawal of no more than 50-percent of those water right allocations authorized upstream of the gage's location during the normal irrigation season.

### Review of Existing Water Rights

In 1965 the SD Water Rights Commission, a predecessor to the SD Water Management Board, placed a 300-cfs diversion limit on the James River in South Dakota with a maximum combined diversion limit of 200-cfs from Huron, SD to the North Dakota border. Due to the Missouri River backwater into the James River, the 300-cfs restriction has been applied from the North Dakota border to the Yankton-Hutchinson County Line.

Presently there are 75 Water Rights with diversions totaling 178.38-cfs from the North Dakota border to the Yankton-Hutchinson, SD County Line. From the North Dakota border to Huron, SD there is 38 Water Rights with diversions totaling 117.44-cfs. These figures are for actual diversions for irrigation from the James River and do not include water storage rights, SD Game Fish and Parks rights, or U.S. Fish and Wildlife Service rights. (Attachment 1) If this application

and the three other pending applications for Glendale Colony are approved, diversions from both the total river and the Huron, SD to North Dakota river reach would still be below the established limits.

There have been a number of Water Rights issued for the past 20 years on the James River for the reach from Huron to the North Dakota state line with flow bypass qualifications protecting senior Water Rights:

- No. 5027-3, Lake Byron Watershed District priority date 6/14/84: April 1-June 30, 60 cfs or more bypassed after diversions for domestic use or prior Water Rights. Diversions are not authorized after June 30 unless by written orders issued by the Chief Engineer.
- No. 5667-3, City of Huron priority date 5/4/92: April 1-June 30 flow at Third Street Dam exceeds 63-cfs while pumping. June 30-November 30 diversions not authorized unless written orders from the Chief Engineer. October 1- March 30 diversions not authorized unless by written orders from the Chief Engineer.
- No. 5737-3, Spink Hutterian Brethren, Inc. priority date 12/17/92: March 1-March 31 flow at Huron Third Street Dam at least 20-cfs. April 1-June 30 flow at Third Street Dam exceeds 63-cfs while pumping. June 30-November 30 diversions not authorized unless by written orders from the Chief Engineer.

Application No. 6589-3 should contain the following bypass qualifications for the 320 acres and 4.58-cfs diversion rate as noted below to protect senior James River Water Rights and domestic water use:

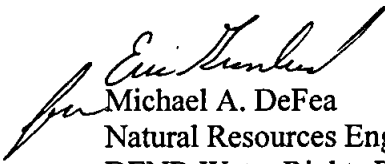
- Low flows as needed for downstream domestic use; including livestock and prior Water Rights must be by-passed.
- From April 1 to June 30, diversions from the James River are authorized only when the flow at the Huron, SD Third Street Dam is at least 63-cfs while pumping.
- From July 1 to October 31, diversions from the James River are not authorized unless by written orders issued by the Chief Engineer.
- Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.

If approved with qualifications, the applicant's diversion of water would not be expected to adversely impact existing Water Rights or domestic water use on the James River.

### **Conclusions**

- 1) This application proposes to appropriate a total of 4.58 cubic feet per second (cfs) of water from the James River to irrigate 320 acres. Specifically, 160 irrigated acres are to be located in the S1/2 Sec. 33 utilizing the diversion point authorized by Water Right No. 1735-3 located in the NW 1/4 SW1/4 Sec.33. The associated diversion rate increase at this diversion point is 2.29 cfs n T116N-R62W

- 2) This application also proposes to irrigate 160 acres located in the NW ¼ of Section 15. The associated diversion rate increase is 2.29 cfs utilizing the diversion point for Water Right No. 1734-3 located in Section 9; all in T115N-R62W.
- 3) USGS historical data for the Redfield and Huron, SD stream flow gages indicate non-appropriated water is available in the James River during normal and greater stream flow conditions for the April through July annual period.
- 4) If Application No. 6589-3 is approved, the following qualifications should be included:
  - Low flows as needed for downstream domestic use; including livestock and prior Water Rights must be by-passed.
  - From April 1 to June 30, diversions from the James River are authorized only when the flow at the Huron, SD Third Street Dam is at least 63-cfs while pumping.
  - From July 1 to October 31, diversions from the James River are not authorized unless by written orders issued by the Chief Engineer.
  - Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
- 4) If this application is approved, the total river diversion of 178.38-cfs is below the 300-cfs limit. For the reach from Huron, SD to the North Dakota state line, the total diversion will be 117.44-cfs, less than the 200-cfs, well within the limits set by the Water Rights Commission.

  
Michael A. DeFea  
Natural Resources Engineer  
DENR Water Rights Program

Reviewed by:

  
Mark Rath  
Natural Resources Engineering Specialist  
DENR Water Rights Program



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 6589-3. Glendale Colony**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6589-3, Glendale Colony, c/o Jerry Kleinsasser, 17866 Glendale Drive, Frankfort SD 57440.

The Chief Engineer is recommending APPROVAL of Application No. 6589-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Diversion of water from the James River shall be in accordance with the following criteria:
  - When pumping from the James River, low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
  - From April 1 to June 30, diversions from the James River are authorized only when the flow at the Huron SD Third Street Dam is at least 63 cfs while pumping under this permit.
  - From July 1 – October 31, diversions from the James River are not authorized unless by written orders issued by the Chief Engineer.
  - Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer  
May 11, 2005

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County of Spink ) SS

I, Janet Johnson

certify that the attached printed Notice was taken

from the \_\_\_\_\_

Dept of Envir. & Nat Resources

printed and published in Redfield Press

County of Spink and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

May 18th

May 25th

Cost of Printing May 18th - 55.13

May 25th - 44.10 total 99.23

Janet Johnson  
(Signature)

Office Assistant  
(Title)

May 25th, 2005  
(Date Signed)

RECEIVED

MAY 31 2005

WATER RIGHTS  
PROGRAM

# Notice to Appropriate Water

#216

## NOTICE OF APPLICATION NOS. 6587-3, 6588-3, 6589-3 and 6590-3 to Appropriate Water

Notice is given that Glendale Colony, c/o Jerry Kleinsasser, 17866 Glendale Drive, Frankfort SD 57440 has filed the following four applications for water permits.

### Application No. 6587-3

Application No. 6587-3 proposes to transfer 126 acres covered by Water Right No. 1943-3 and 136 acres and diversion authority of 1.91 cubic feet of water per second (cfs) authorized by Water Right No. 1734-3.

Water Right No. 1943-3 appropriates 2.00 cfs from the James River in these NE 1/4 SE 1/4 of Section 29 to irrigate 258 acres in the S 1/2 of Section 29 all in T116N-R62W. The applicant proposes to sever diversion

authority of 126 acres and relocate them in the NE 1/4 of Section 3-T115N-R62W. The remaining 132 acres of irrigation authorized by No 1943-3 will remain in the S 1/2 of Section 29-T116N-R62W, and the 2.00 cfs of diversion rate will remain with these acres.

Water Right No. 1734-3, appropriates 5.66 cfs from the James River between the points in the NE 1/4 SW 1/4 and the SW 1/4 NE 1/4 of Section 9 to irrigate 404 acres in the W 1/2 of Section 10 and the NW 1/4 of Section 15; all in T115N-R62W. The applicant proposes to sever diversion authority of 136 acres and relocate them to the SE 1/4 of Section 3. The associated diversion rate of 1.91 cfs will be moved and taken at a diversion point authorized by Water Right No. 1733-3 located in between the NE 1/4 NW 1/4 and the SE 1/4 SW 1/4 of Section 4; all in T115N-R62W. The remaining 268 acres of irrigation located in Section 10 covered by No. 1734-3 will retain 3.75 cfs of the diversion rate.

The relocation of the 262 acres to the E 1/2 of Section 3 combined with 268 acres located in the W 1/2 of Section 3 authorized by No. 1733-3, will allow for a total of 530 acres with a combined diversion rate of 5.68 cfs. The applicant is proposing to utilize a full section pivot.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impractical to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Kleinsasser indicates this change is to allow for more efficient irrigation of the land for irrigation.

### Application No. 6588-3

Application No. 6588-3 proposes to irrigate 130 acres located in the SE 1/4 Section 8-T115N-R62W. Water Right No. 1450-3 appropriates 4.44 cfs from the James River located in the SE 1/4 SE 1/4 Section 8 to irrigate 467 acres located in the W 1/2, NE 1/4 Sec 8; all in T115N-R62W. This application will accommodate a full section pivot in Section 8. No increase in the diversion rate with authorized by this application.

### Application No. 6589-3

Water Permit Application No. 6589-3 proposes to appropriate 4.58 cfs from the James River to irrigate 320 acres.

The applicant proposes to irrigate 160 acres located in the S 1/2 Section 33-T116N-R62W utilizing the diversion point authorized by Water Right No. 1735-3 located in the NW 1/4 SW 1/4 Section 33-T116N-R62W. The associated diversion rate increase at this diversion point is 2.29 cfs.

This application also proposes to irrigate 160 acres located in the NW 1/4 of Section 15-T115N-R62W utilizing the diversion point for Water Right No. 1734-3 located between points in the NE 1/4 SW 1/4 and SW 1/4 NE 1/4 Section 9-T115N-R62W. The associated diversion rate increase at this diversion point is 2.29 cfs.

### Application No. 6590-3

Application No. 6590-3 proposes to appropriate an additional 1.56 cfs from the James River to irrigate 320 acres located in the E 1/2 Section 9-T115N-R62W utilizing the same pump station authorized by Water Right No. 1734-3. Water Right No. 1734-3 appropriates 5.66 cfs from the James River located in the SW 1/4 NE 1/4 Section 9-T115N-R62W to irrigate 404 acres in the W 1/2 Section 10 and NW 1/4 Section 15-T115N-R62W. The James River pump station may be moved within the E 1/2 Section 9-T115N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6587-3, 6588-3, 6589-3 and 6590-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or

the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 6, 2005.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

(May 18, 25)



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

NOTE: TO BE SURE OF PUBLICATION ON  
THE CORRECT DATES, CONTACT  
THE NEWSPAPER RIGHT AWAY.

May 12, 2005

Glendale Colony  
% Jerry Kleinsasser  
17866 Glendale Dr  
Frankfort SD 57440

Dear Mr. Kleinsasser:

Water Permit Application Nos. 6587-3, 6588-3, 5689-3 and 6590-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Redfield Press printed at Redfield, SD (Ph # 605-472-0822). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

  
Eric Gronlund  
Natural Resources Engineer  
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the applications.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

May 12, 2005

Redfield Press  
PO Box 440  
Redfield SD 57469-0440

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 6587-3, 6588-3, 6589-3, and 6590-3 to Appropriate Water to be published twice. Please publish the first notice on May 18, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Glendale Colony, % Jerry Kleinsasser, 1786 Glendale Dr., Frankfort SD (Ph # 605-472-0772).

**Please send the Water Rights Program the first publication immediately.** The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

-----CUT HERE-----

Nos. 6587-3, 6588-3, 6589-3 & 6590-3

TO: Eric Gronlund  
Water Rights Program  
Joe Foss Building  
Pierre SD 57501-3181

Date \_\_\_\_\_

We are in receipt of your letter of May 12, 2005 enclosing Notice to Appropriate Water by Application Nos. 6587-3, 6588-3, 6589-3 & 6590-3 which was first published in our issue of \_\_\_\_\_. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper

Instruction to Newspaper - Publish first Notice on May 18, 2005 with the second publication 7 days later. The applicant is responsible for payment.

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NOTICE OF APPLICATION NOS. 6587-3, 6588-3, 6589-3 and 6590-3 to Appropriate Water

Notice is given that Glendale Colony, c/o Jerry Kleinsasser, 17866 Glendale Drive, Frankfort SD 57440 has filed the following four applications for water permits.

Application No. 6587-3

Application No. 6587-3 proposes to transfer 126 acres covered by Water Right No. 1943-3 and 136 acres and diversion authority of 1.91 cubic feet of water per second (cfs) authorized by Water Right No. 1734-3.

Water Right No. 1943-3 appropriates 2.00 cfs from the James River in these NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 29 to irrigate 258 acres in the S  $\frac{1}{2}$  of Section 29 all in T116N-R62W. The applicant proposes to sever diversion authority of 126 acres and relocate them in the NE  $\frac{1}{4}$  of Section 3-T115N-R62W. The remaining 132 acres of irrigation authorized by No 1943-3 will remain in the S  $\frac{1}{2}$  of Section 29-T116N-R62W, and the 2.00 cfs of diversion rate will remain with these acres.

Water Right No. 1734-3, appropriates 5.66 cfs from the James River between the points in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  and the SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 9 to irrigate 404 acres in the W  $\frac{1}{2}$  of Section 10 and the NW  $\frac{1}{4}$  of Section 15; all in T115N-R62W. The applicant proposes to sever diversion authority of 136 acres and relocate them to the SE  $\frac{1}{4}$  of Section 3. The associated diversion rate of 1.91 cfs will be moved and taken at a diversion point authorized by Water Right No. 1733-3 located in between the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  and the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 4; all in T115N-R62W. The remaining 268 acres of irrigation located in Section 10 covered by No. 1734-3 will retain 3.75 cfs of the diversion rate.

The relocation of the 262 acres to the E  $\frac{1}{2}$  of Section 3 combined with 268 acres located in the W  $\frac{1}{2}$  of Section 3 authorized by No. 1733-3, will allow for a total of 530 acres with a combined diversion rate of 5.68 cfs. The applicant is proposing to utilize a full section pivot.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impractical to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Kleinsasser indicates this change is to allow for more efficient irrigation of the land for irrigation.

Application No. 6588-3

Application No. 6588-3 proposes to irrigate 130 acres located in the SE  $\frac{1}{4}$  Section 8-T115N-R62W. Water Right No. 1450-3 appropriates 4.44 cfs from the James River located in the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 8 to irrigate 467 acres located in the W  $\frac{1}{2}$ , NE  $\frac{1}{4}$  Sec 8; all in T115N-R62W. This application will accommodate a full section pivot in Section 8. No increase in the diversion rate with authorized by this application.

Application No. 6589-3

Water Permit Application No. 6589-3 proposes to appropriate 4.58 cfs from the James River to irrigate 320 acres.

The applicant proposes to irrigate 160 acres located in the S  $\frac{1}{2}$  Section 33-T116N-R62W utilizing the diversion point authorized by Water Right No. 1735-3 located in the NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 33-T116N-R62W. The associated diversion rate increase at this diversion point is 2.29 cfs.

(continued)

This application also proposes to irrigate 160 acres located in the NW ¼ of Section 15-T115N-R62W utilizing the diversion point for Water Right No. 1734-3 located between points in the NE ¼ SW ¼ and SW¼ NE¼ Section 9-T115N-R62W. The associated diversion rate increase at this diversion point is 2.29 cfs.

Application No. 6590-3

Application No. 6590-3 proposes to appropriate an additional 1.56 cfs from the James River to irrigate 320 acres located in the E ½ Section 9-T115N-R62W utilizing the same pump station authorized by Water Right No. 1734-3. Water Right No. 1734-3 appropriates 5.66 cfs from the James River located in the SW ¼ NE ¼ Section 9-T115N-R62W to irrigate 404 acres in the W ½ Section 10 and NW ¼ Section 15-T115N-R62W. The James River pump station may be moved within the E ½ Section 9-T115N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6587-3, 6588-3, 6589-3 and 6590-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 E. CAPITOL AVE  
PIERRE SD 57501-3182  
danr.sd.gov

May 27, 2021

Dear James River Water Right Holder:

I am writing to water right holders and operators who use water from the James River that river flow is much lower this year and to let them know that shutoff orders are possible this summer.

South Dakota law gives the highest priority to domestic use, including livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses will begin to interfere with domestic use. If river levels become critically low, the department may be forced to issue shutoff orders to protect domestic use, including livestock watering and those water rights that are most senior.

We are only cautioning that shutoff orders may become necessary. **This not a shutoff order.** This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shutoff orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and avoid wasting water.

If you are interested, the US Geological Survey has an Internet site showing river flows at 164 stream gauging stations across the state. To view the latest realtime stream flow, go to:

**<https://waterdata.usgs.gov/sd/nwis/current/?type=flow>**

Thank you for your cooperation. If you have any questions, please contact Mark Rath, Blaise Hansen, or Nakaila Steen at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer  
Water Rights Program